

REJECTION OVER CASALE

The Examiner rejected claim 19 under 35 U.S.C. 102(e) as being anticipated by Casale. The Examiner held that Casale "teaches a protective helmet having a shell 5 and a holding and positioning arrangement 1. The holding and positioning arrangement includes flexible straps 13, 17 and a pulley mechanism 7. The holding and positioning arrangement further includes a chin strap 3 which is formed by the convergence on both sides of the helmet of left and right portions of front strap 17 and rear straps 13. A buckle 21 connects the points of convergence on either side of the helmet to one another. Front strap portions include a length adjustment mechanism 15 while rear straps utilize length adjustment mechanism 7. Pulley mechanism 7 includes an inverted Y-shaped connecting piece that connects the free ends of the rear strap."

Claim 20 was rejected as being unpatentable over CASALE. The Examiner held that CASALE discloses the invention substantially as claimed. However, the pulley mechanism 7 is not disclosed as being semi-rigid. It would have been obvious, according to the Examiner, to form mechanism 7 from a semi-rigid material so that it can conform to a wearer's head as shown in the figures and be durable.

The Examiner indicated that the rejections based on Casale may be overcome by perfecting Applicant's claim for foreign priority under 35 U.S.C. 119 as outlined in 37 C.F.R. 1.55(a) and MPEP 201.15.

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The rejection over CASALE is respectfully traversed. In addition to the fact that Casale does not anticipate nor render obvious the subject matter recited in claims 19 and 20, Casale is not a proper reference against this application. U.S. patent no. 5,983,405 to Casale issued as a patent on November 16, 1999 from an application filed on February 18, 1998. The instant application was filed on February 8, 1999 and claims priority under 35 U.S.C. 119 based on French application no. 98 01867, to February 9, 1998, which is before the filing date of Casale. Presumably, the Examiner was willing to withdraw this rejection if a translation of the French priority application is provided. In view of the fact that the Examiner made the rejection final, and in order to expedite allowance of the above-identified application, claims 19 and 20 have been canceled.

ALLOWABLE SUBJECT MATTER

Claims 10-14 and 16-18 were allowed.

CONCLUSION

Reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Entry of this Response after Final Rejection is proper, as it does not raise any new


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issues requiring further consideration. Rather, it simply cancels the rejected claims.

Furthermore, upon entry of this Amendment, all the claims will become allowable.

Please charge any additional fees necessary for consideration of the papers filed herein and refund excess payments to Deposit Account No. 19-0089.

Respectfully submitted,
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